

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2164

Introduced by Assembly ~~Member~~ Members O'Donnell and Cooper

February 17, 2016

An act to amend Section 68120 of the Education Code, relating to public postsecondary educational institutions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2164, as amended, O'Donnell. Public postsecondary education: tuition and fees.

Existing law prohibits the Board of Directors of the Hastings College of the Law, the Trustees of the California State University, and, if they adopt an appropriate resolution, the Regents of the University of California from collecting mandatory systemwide tuition and fees from any surviving spouse or surviving child of a deceased person who was a resident of the state and employed by or contracting with a public agency, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who died as a result of his or her duties, as specified.

This bill would make that prohibition applicable to any mandatory tuition and fees rather than mandatory systemwide tuition and fees. The bill would also extend the application of those provisions to the surviving spouse or surviving child of a person who died as a result of an industrial injury or illness arising out of and in the course of active law enforcement or fire suppression and prevention duties, and who otherwise met the above-referenced requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 68120 of the Education Code is amended to read:

68120. (a) Notwithstanding any other law, no mandatory fees or tuition of any kind shall be required of or collected by the Regents of the University of California, the Board of Directors of the Hastings College of the Law, or the Trustees of the California State University from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

(1) He or she was a resident of this state.

(2) He or she was employed by a public ~~agency~~, *agency* or was a contractor, or an employee of a contractor, performing services for a public agency.

(3) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention. This section shall not apply to a person whose principal duties were clerical, even if he or she was subject to occasional call or was occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention.

(4) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties, or died as a result of an industrial injury or illness arising out of and in the course of active law enforcement or fire suppression and prevention duties.

(b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory fees and tuition under this section as a surviving child of a contractor, or of an employee of a contractor, who performed services for a public agency shall, in addition to the requirements set forth in subdivision (a), meet both of the following requirements:

(1) Enrollment as an undergraduate student at a campus of the University of California or the California State University.

(2) Documentation that his or her annual income, including the value of any support received from a parent, does not exceed the maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in Section 69432.7.

1 (c) As used in this section:

2 (1) “Contractor” or “employee of a contractor” does not include
3 a security guard or security officer, as defined in Section 7582.1
4 of the Business and Professions Code.

5 (2) “Public agency” means the state or any city, city and county,
6 county, district, or other local authority or public body of or within
7 the state.

8 (3) “Surviving child” means either of the following:

9 (A) A surviving natural or adopted child of the deceased person.

10 (B) A surviving stepchild who meets both of the following
11 requirements:

12 (i) He or she was living or domiciled with the deceased person
13 at the time of his or her death.

14 (ii) He or she was claimed on the tax form most recently filed
15 by the deceased person prior to that person’s death, or he or she
16 received 50 percent or more of his or her support from that
17 deceased person in the tax year immediately preceding the death
18 of the deceased person, or both.